



RECEIVED

MAY 12 2003

TC 1700

PATENT APPLICATION  
Our Docket No. 960670.CNC

#40/JT  
901ga  
5/23/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Donald L. N. Cardy et al : May 6, 2003  
S.N. : 08/737,457 : Art Unit 1644  
Filed : March 12, 1997 : Exam. G.R. Ewoldt  
For : IMPROVEMENTS IN OR RELATING TO PEPTIDE DELIVERY Paper No. 40

SUPPLEMENTAL RESPONSE

U.S. PATENT AND TRADEMARK OFFICE  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

RECEIVED  
MAY 13 2003  
TECH CENTER 1600/2900

Dear Sir:

This letter is submitted in response to a communication from the Examiner in charge of the application mailed April 29, 2003 and is supplemental to a response dated February 5, 2003.

To comply with the requirements of the Notice sent by the Examiner, applicants herewith supply a substitute computer readable form (CRF) copy of the requested "Sequence Listing". In addition, a substitute paper copy of the Sequence Listing is supplied as contained on page 1 of "Appendix A".

A copy of the Notice is also attached.

The information recorded in computer readable form is identical to the written Sequence Listing and they include no new matter.

It is believed that the application now complies with the requirements of 37 CFR 1.821-1.825 and, accordingly, they have requested that substantive examination of the claims proceed.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

*C.G.Mersereau*

C. G. Mersereau  
Registration No. 26,205  
Attorneys for Applicant(s)  
820 International Centre  
900 Second Avenue South  
Minneapolis, MN 55402  
(612) 339-7461

OT  
MAY 08 2003  
PATENT & TRADEMARK OFFICE

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: See letter

### Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

RECEIVED

MAY 13 2003

TECH CENTER 1600/2900

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

RECEIVED  
MAY 12 2003  
TC 1700

EXAMINER	
ART UNIT	PAPER NUMBER
	39

Please find below a communication from the EXAMINER in charge of this application

The reply filed on 2/26/03 is not fully responsive to the prior Office Action for the reasons set forth below. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. Specifically, Applicant must comply with the rules as set forth in MPEP 2424.02 and the Table spanning pages 2400-44 through 2400-47 of the MPEP. For example, line <140> must contain the application no., (US 08/737,457) because it is available. Line <141> must contain the current filing date, line <150> must contain all of the prior application nos., and line <151> must contain their filing dates.

RECEIVED

MAY 13 2003

TECH CENTER 1600/2900

Serial Number: 08/737,457

Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Christina Chan whose telephone number is (703) 308-3973. The fax number for the organization where this application is assigned is (703) 308-4242.



G.R. Ewoldt, Ph.D.  
Primary Examiner  
Tech Center 1600  
April 28, 2003